

PATENT

Serial No. 10/527,119

Amendment in Reply to Office Action mailed on November 18, 2005

IN THE DRAWING

Please replace FIGs 2, 8 and 13 with the enclosed replacement
FIGs 2, 6, 8 and 10-13.

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REMARKS

The following remarks are being filed in response to the Office Action mailed November 18, 2005, which has been reviewed and carefully considered.

By means of the present amendment, claims 7-8 and 10 have been canceled without prejudice, claims 1-6, 9 and 11-12 have been amended, and claims 13-18 have been added. Claims 1-6, 9 and 11-18 are now pending in this application, with claims 1 and 12-13 being the only independent claims.

Reconsideration and allowance of the application in view of the following remarks are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

In the Office Action, the Examiner required correcting an informality in the specification. In response, the specification has been amended to correct the informality noted by the Examiner, as well as other informalities.

In the Office Action, the Examiner required labels for each box in FIGs 2, 8 and 13. In response, labels have been added to the

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boxes in FIGs 2, 6, 8 and 10-13. A replacement sheet including FIGs 2, 6, 8 and 10-13 are enclosed. Applicants respectfully request approval of the enclosed proposed drawing changes.

In the Office Action, claims 4-11 are objected to as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. Accordingly, claims 4-11 have not been further considered on the merit. In response, claims 4-6 and 11 have been amended to remove the multiple dependency, where claims 7-8 and 10 have been canceled without prejudice. Accordingly, withdrawal of this objection to claims 4-11 is respectfully requested.

Applicants would like to point out that page one of the Office Action indicates that claims 4-11 are 'withdrawn from consideration.' It is believed that claims 4-11 are not 'withdrawn from consideration', but are rather not further considered on the merit as noted above. (See also Office Action, page 2, item 2) In view of the amendments to claims 4-6 and 11 removing the multiple dependency, consideration on the merit of claims 4-6 and 11 is respectfully requested.

In the Office Action, claim 1 is objected to for certain

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informalities.. In response, claims 1-6, 9 and 11-12 have been amended to overcome the informalities noted by the Examiner, as well as other informalities noted upon review of the claims and for better conformance to U.S. practice, such as changing "characterized" to --wherein--, and beginning the dependent claims with 'The' instead of 'A'. Claims 1-6, 9 and 11-12 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. It is respectfully submitted that the objection of claim 1 has been overcome and an indication as such is respectfully requested.

In the Office Action, claims 1-3 and 12 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,317,241 (Hans). It is respectfully submitted that claims 1-6, 9 and 11-18 are patentable over Hans for at least the following reasons.

Hans is directed to a rotary drive for a data carrier where control signals are recorded on tracks 15, shown in FIG 1. The recorded control signals characterize angular positions of the rotor with respect to the stator in which commutation is to be initiated.

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It is respectfully submitted that Hans does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 12-13 which, amongst other patentable elements, requires (illustrative emphasis provided):

the marks being at least one of continuous from a center of the carrier to a periphery of the carrier, located at an edge of the carrier, located at a periphery of the carrier, and notches.

Accordingly, it is respectfully submitted that independent claims 1 and 12-13 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-6, 9, 11 and 14-18 should also be allowed at least based on their dependence from independent claims 1 and 13.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of

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the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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April 18, 2006

Enclosure: New Abstract
Replacement drawing sheets (3 sheets including FIGs 2, 6, 8 and 10-13)
Petition for two month extension of time
Authorization to charge credit card \$450 for two month extension

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IN THE ABSTRACT

Please delete the current Abstract in its entirety and
substitute therefor the enclosed New Abstract.